

REMARKS

The applicant respectfully request reconsideration in view of the amendment and the following remarks. Support for amended claim 3 can be found in claims 3, 8 and 9. The applicant has amended claim 14 as suggested by the Examiner in order to overcome the claim objection to claim 14. In claims 3 and 38, the applicant has deleted the phrase “or a combination of from 2 to 5 of these systems” from the definition of R.

Claims 2-4, 8, 11-14, and 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by US 2000/062930 A1 (Roberts et al.). Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al. and further in view of WO 03/074628 A (Maxted et al.). Claims 3, 4, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2002/0093005 A1 (Sohn et al.) in view of US 2003/0017361 A1 (Thompson et al.). Claims 14 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al. in view of US 6,670,054 B1 (Hu et al.). Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al. in view of WO 02/077060A (Treacher et al.) English equivalent (US 2004/0135131 A1) relied upon. The applicant respectfully traverses these rejections.

Rejections under 35 U.S.C. 102(e)

Claims 2-4, 8, 11-14, and 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Roberts. The applicant has amended claim 3 by deleting from the definition of R, “or a combination of from 2 to 5 of these systems”. Roberts explicitly discloses only polymers having dicarbazole units having aromatic groups (containing a biphenyl group) between the two carbazole groups (see formula XCII in US 2004/0062930 A1 and formula KLCBPI in WO 03/074628 A1). Again, Roberts requires a biphenyl group. The applicant believes that “R” in

the definition of claim 3 does not include biphenyl. The Examiner stated in paragraph no. 14 of the office action,

“While the examiner agrees what a biphenyl no longer reads on the claims as a single aromatic ring system, the group does read on the claims as two aromatic ring systems, i.e. two benzene groups. R as defined in the present claims be an aromatic ring system or “2 to 5 of these systems”.”

The applicant has deleted this phrase from claim 3. Therefore, this rejection should be withdrawn.

Rejection of Claim 9

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts and further in view Maxted. As discussed above, Roberts requires a biphenyl group. The applicant believes that “R” in the definition of claim 3 does not include biphenyl. Therefore, Roberts teaches away from the applicant’s claimed invention.

With respect to Maxted, the Examiner stated that Maxted teaches a similar charge transporting polymer comprising a dicarbazole unit (page 9, compound KLCBP1). With respect to this statement it is noted that the compound “KLCBP1” has a dicarbazole unit, but both carbazoles are connected via a “biphenyl group”, as also disclosed in US 2004/062930 A1 (page 15, formula XCII), but due to the above-suggested amendment, these compounds are no longer covered by the claims of the present application. Therefore, pending claim 9 is patentable over Roberts in view of Maxted. For the above reasons, this rejection should be withdrawn.

Rejection of Claims 3, 4 and 10

Claims 3, 4, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sohn in view of Thompson. The applicant has incorporated claims 8 and 9 into claim 3. Since neither claim 8 or 9 was rejected over these references, this rejection should be withdrawn.

Rejection Over Roberts in view of Hu

Claims 14 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts in view of Hu.

With respect to Hu, the Examiner stated at page 8 of the Office Action:

- Hu et al. teach bicarbazole compounds for use in electroluminescent devices (abstract).
- The reference teaches that the linking groups between the carbazoles may be one of several different aryl and heteroaryl groups,
- The reference recognized the equivalency of the groups by teaching them together as suitable linking units.

With respect to these statements, the applicant points out the following:

Not all linking groups are equivalent, even if they are mentioned together. This is clear from the disclosure of Hu on columns 11-16, according to which dicarbazoles having a biphenyl group as the linking group (which are excluded from the claims of the present invention) are the most preferred embodiment. There is no reason to selectively choose a group different from biphenyl as the linking group let alone the applicant's claimed "R" group.

A statement that modifications of the prior art to meet the claimed invention would have been “obvious to one of ordinary skill in the art at the time the invention was made” because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). See MPEP § 2143.01 IV. “[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007) quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Furthermore, the Examiner cannot selectively pick and choose from the disclosed parameters without proper motivation as to a particular selection. The mere fact that a reference may be modified to reflect features of the claimed invention does not make the modification, and hence the claimed invention, obvious unless the prior art suggested the desirability of such modification. *In re Mills*, 916 F.2d 680, 682, 16 USPQ2d 1430 (Fed. Cir. 1990); *In re Fritch*, 23 USPQ2d 1780 (Fed. Cir. 1992). Thus, it is impermissible to simply engage in a hindsight reconstruction of the claimed invention where the reference itself provides no teaching as to why the applicant’s combination would have been obvious. *In re Gorman*, 933 F.2d 982, 987, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991). For the above reasons, this rejection should be withdrawn.

Rejection of Claim 38

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts in view of Treacher. As stated above, Roberts requires that the linking group is a biphenyl which is

excluded from the applicant's claimed invention. Treacher does not cure this deficiency. For the above reasons, this rejection should be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 14113-00033-US from which the undersigned is authorized to draw.

Respectfully submitted,

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